

REMARKS

In an Office Action mailed on October 1, 2003, claims 1-25 and 32-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Havinis; claims 26-29 and 41-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Havinis in view of Kariya; and claims 30, 31 and 45-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Havinis, Kariya and Pace. These rejections are discussed below.

Rejections of Claims 1-25:

As amended, the system of independent claim 1 includes a mobile unit to acquire information about a region near the mobile unit, determine a location of the mobile unit, automatically label the information with the location of the mobile unit and transmit an indication of the information and location. The system also includes a client and a remote server to communicate with the mobile unit to receive the indication from the mobile unit and communicate at least some of the information to the client.

Contrary to the limitations of amended independent claim 1, Havinis is directed to acquiring a location of a mobile station. More specifically, Havinis teaches acquiring the location of the mobile station may be desirable for purposes of emergency calls, calls to determine location of the calling sites. However, Havinis neither teaches nor suggests that its mobile station automatically labels information acquired about a region near the mobile station with the location of the mobile station. Instead, the mobile stations of Havinis merely transmit the location data separately from any other data. Havinis neither teaches nor suggests the labeling of claim 1. Therefore, for at least this reason, Havinis fails to teach or even suggest the limitations of amended independent claim 1.

Claims 2-25 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 26-31:

As amended, the system of independent claim 26 includes mobile units, where each mobile unit automatically labels information acquired about a different region near the mobile unit with the location of the mobile unit. For at least the reasons set forth above in the discussion of independent claim 1, Havinis neither teaches nor even suggests a mobile unit that automatically labels information acquired about a region near a mobile unit with the location of

the mobile unit. Furthermore, Kariya fails to teach or suggest the missing claim limitations. Thus, for at least this reason, a *prima facie* case of obviousness has not been set forth for independent claim 26. Additionally, the Examiner fails to show where the prior art contains the alleged suggestion or motivation to combine Havinis and Kariya. Such a suggestion or motivation must be shown, with specific citations to a prior art reference, in order to establish a *prima facie* case of obviousness. *See Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143. Thus, for at least any of these reasons, withdrawal of the § 103 rejection of claim 26 is requested.

Claims 27-31 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 32-40:

As amended, the method of independent claim 32 includes automatically labeling information acquired about a region near a mobile unit with the location of the mobile unit. See discussion of claim 1 above. For at least the reason that Havinis fails to teach or even suggest the automatic labeling set forth in claim 32, Havinis fails to anticipate claim 32. Thus, withdrawal of the § 102 rejection of claim 32 is requested.

Claims 33-40 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 41-48:

The method of independent claim 41, as amended, recites, for each mobile unit, automatically labeling information acquired about a region near the mobile unit with the location of the mobile unit.

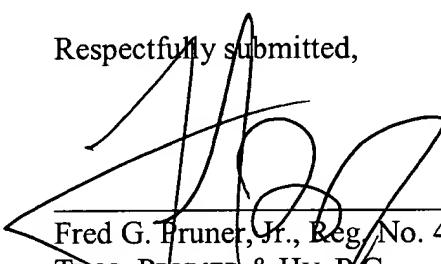
See discussion of claims 26 and 32 above. For at least the reason that none of the cited references teaches or suggests the automatically labeling, as set forth in claim 41, claim 41 overcomes the § 103 rejection. Furthermore, the Examiner fails to show where the prior art contains the alleged suggestion or motivation to combine Havinis and Kariya. Thus, for at least any one of these reasons, withdrawal of the § 103 rejection of claim 41 is requested.

Claims 42-48 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, withdrawal of the §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (NTC.0003US).

Respectfully submitted,


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